

Honolulu, Hawaii

FEB 18 2015

RE: S.B. No. 116

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 116  
entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE,"  
begs leave to report as follows:

The purpose and intent of this measure is to establish a rule  
of evidence to exclude the admissibility of medical apologies to  
prove liability.

Your Committee received testimony in support of this measure  
from the Hawaii Health Systems Corporation, Hawaii Medical  
Association, The Queen's Health Systems, and Healthcare  
Association of Hawaii. Your Committee received testimony in  
opposition to this measure from the Judiciary and Hawaii  
Association for Justice.

Your Committee finds that a healthy doctor-patient  
relationship facilitates the transfer of information in both  
directions, enhancing accuracy of diagnosis and increasing the  
patient's knowledge about the disease. Patients must have  
confidence in the competence of their physicians and must feel  
that they can confide in their physicians. Physicians must be  
able to reassure and comfort their patients while remaining  
honest. A healthy relationship ensures that doctors and patients  
can fulfill their roles and meet the expectations of each other.  
Medical apology laws are designed to encourage communication  
between patients and health care providers.



Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 116, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 116, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



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JOSH GREEN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB116</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>2/10/15</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div><input checked="" type="checkbox"/> Pass, unamended 2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
GREEN, Josh (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
GABBARD, Mike	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>7</b>	<del>0</del>	<del>0</del>	<del>0</del>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <b>Distribution:</b>            Original            File with Committee Report         </div> <div style="text-align: center;">           Yellow            Clerk's Office         </div> <div style="text-align: center;">           Pink            Drafting Agency         </div> <div style="text-align: center;">           Goldenrod            Committee File Copy         </div> </div>				

\*Only one measure per Record of Votes